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**UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO, CALIFORNIA**

AMAR BELLAHA)	
)	
Plaintiff,)	
)	Case No. C07-02872 PJH
vs.)	
)	
Alberto Gonzales, Attorney General of the)	CIVIL ACTION
United States; Michael Chertoff, Secretary of the)	TO COMPEL DEFENDANTS
Department of Homeland Security; Emilio)	TO COMPLETE
Gonzalez, Director of United States Citizenship &)	NATURALIZATION PROCESS
Immigration Services; Robert S. Mueller, III,)	
Director of the Federal Bureau of Investigations;)	INS A# 076-364-228
Christina Poulos, Director of the California Service)	
Center; et al;)	
)	
Defendants)	
)	

To the Honorable Judges of Northern District of California San Francisco Court:

Plaintiff, Amar Bellaha, through undersigned counsel, alleges as follows:

INTRODUCTION

1. This is a civil action brought pursuant to 8 U.S.C. § 1447, 28 U.S.C. §1331 and 1361, 5 U.S.C. § 701 and 28 U.S.C. §2201 *et. seq.* to redress the deprivation of rights, privileges and immunities secured to Plaintiff to compel Defendants to perform a duty Defendants owe to Plaintiff. Jurisdiction is also conferred by 5 U.S.C. §704.

2. This action is brought to compel Defendants and those acting under them to take action on a Form N-400, Application for Naturalization, (hereafter “the Application”) in order for Plaintiff to become a Naturalized

1 Citizen of the United States. The Application was filed with the San Francisco Naturalization Service's District
2 Office in San Francisco California on August 19, 2005 by Amar Bellaha. Amar Bellaha was interviewed by an
3 Immigration Officer on December 15, 2005 and successfully passed the English language and history and
4 government tests. (See Ex. 1, Form N-652, Naturalization Interview, for proof of successful passage of both
5 tests). To this day, one year and five months after the interview, Amar Bellaha still awaits the decision.
6 Certainly more than 120 days have passed since the interview in this matter, thus vesting jurisdiction with this
7 court under 8 U.S.C. § 1447.
8

9 3. Plaintiff is eligible to have his Application adjudicated.

10 4. Defendants, the Department of Homeland Security and U.S. Citizenship and Immigration Services
11 (USCIS), are charged by law with the statutory obligation to adjudicate this Application.
12

13 5. Venue is proper under 28 USC §1391(e) because the Plaintiff resides in this district and no real
14 property is involved in this action.
15

16 **FACTS**

17 6. Amar Bellaha is a native and citizen of Morocco. Amar Bellaha received his Permanent Resident
18 status as a result of a religious-based petition. (See Ex. 2, copy of Amar Bellaha's Resident Alien Card, front
19 and back.)
20

21 7. Amar Bellaha's Permanent Resident Status was granted on November 17th 2000 (See Ex. 2), and he
22 became statutorily eligible to file Form N-400, Application for Naturalization, on August 17th 2005 , four
23 years and nine months after grant of Permanent Resident Status.
24

25 8. Amar Bellaha filed his Form N-400, Application for Naturalization, with the United States
26 Citizenship and Immigration Naturalization Service Center, California on or about August 19, 2005.

27 9. Amar Bellaha was interviewed by Immigration Officer on December 15, 2005 and successfully
28

1 passed the English language and history and government tests. (See Ex. 1, Form N-652, Naturalization
 2 Interview, for proof of successful passage of both tests). To this day, over one year and five months after the
 3 interview, Amar Bellaha still awaits the decision.

4 10. Amar Bellaha changed his address to his present address in Hayward California. Amar Bellaha duly
 5 changed his address with the United States Citizenship and Immigration Services (“USCIS”). (See Ex. 3,
 6 Proof of Change of Address form from the USCIS).
 7

8 11. Amar Bellaha has made numerous inquiries with the USCIS and also several congressional inquiries
 9 with no success.
 10

11 **EXHAUSTION OF ADMINISTRATIVE REMEDIES**

12
 13 Plaintiff has exhausted his administrative remedies. Plaintiff has made numerous inquiries with the
 14 USCIS including congressional inquiries (See collective Ex. 4). Plaintiff has supplied the USCIS and
 15 FBI documents that clearly establish his eligibility to be naturalized as U.S. Citizen.
 16

17 **CLAIMS**

18
 19 17. Defendants have willfully and unreasonably have delayed in and have refused to adjudicate the
 20 Application, thereby depriving the Plaintiff of the benefit of becoming a Naturalized U.S. Citizen.
 21

22 18. Defendants owe Plaintiff a duty to adjudicate the Petition and have unreasonably failed to perform
 23 that duty.
 24

25 19. Plaintiff has exhausted any administrative remedies that may exist.

26 WHEREFORE, Plaintiff prays that the Court:

27 1. Assume jurisdiction over the case and naturalize the Plaintiff under the terms of 8 USC 1447(b); or
 28

1 2. Compel Defendants and those acting under them to perform their duty to adjudicate the Petition; and

2 3. Grant such other and further relief as this Court deems proper under the circumstances; and

3 4. Grant Attorney's fees and costs of Court to Plaintiff under the Equal Access to Justice Act.

4
5 Respectfully submitted this ____th day of May 2007.

6
7
8 Respectfully submitted,

9
10 Attorney for Plaintiff

11
12 _____
13 Shah Peerally, Esq.
14 Attorney for Plaintiff